

National Organization for Women



Sept. 25, 2018

The Hon. Charles E. Grassley
Chair
U.S. Senate Committee on the Judiciary
Senate Dirksen Room 224
U.S. Senate
Washington, D.C. 20510

The Hon. Dianne Feinstein
Ranking Member
U.S. Senate Committee on the Judiciary
Senate Dirksen Room 224
U.S. Senate
Washington, D.C. 20510

Dear Senators Grassley and Feinstein,

The National Organization for Women is concerned that the Senate Judiciary Committee is failing in its duties to fully vet individuals nominated to judicial posts. The fact that many outstanding questions remain as to the veracity and moral character of Supreme Court nominee Brett Kavanaugh is troubling. We know that Judge Kavanaugh has not been truthful in all questions presented to him by the committee; we also have serious doubts about his personal life as relates to problems with alcohol, gambling and credit card debt, and the burden of proving his innocence remains in response to several allegations of sexual misconduct.

This is to not forget that the Committee leadership has refused to obtain and release for public scrutiny the 90,000 documents pertaining to Brett Kavanaugh's three years of work during the Bill Clinton and George W. Bush administrations. Additionally, the committee's reliance on documents reviewed – and possibly censored -- by a private attorney representing the Bush family is to be condemned. Kavanaugh's exact role in the many controversial events during that 35-month period remains shrouded by an unprecedented declaration of Presidential privilege and the chair's failure to obtain and release National Archive documents.

What is the reason for the secrecy? We submit that it is because there is more bad news about this nominee. That not even the painful recounting by the survivor of an alleged attempted rape by a drunk Brett Kavanaugh and the witnessing by Mark Judge is sufficient to convince the Committee's leadership that a more complete FBI background investigation should be conducted. Nor has the additional disclosure of a

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serious sexual misconduct incident against a woman during the nominee's college years prompted a call for further investigation. The committee need not be reminded that the alleged attempted rape is an unreported crime that remains open to prosecution.

A comparison can be made of the committee leadership's conduct to that of the 1991 Senate Judiciary Committee's when members interrogated and humiliated Anita Hill and refused to hear from three more survivors of sexual harassment by then nominee Clarence Thomas. The current case approaches a level far beyond that in its refusal to request and release all pertinent documents of the nominee, its failure to request and obtain additional FBI background information, and the committee leadership's willingness to embrace a nominee who is demonstrably dishonest.

This rushed leadership effort to move a highly flawed nominee to a committee vote and then to a full Senate vote translates to a further politicization of the nation's highest court. The Supreme Court's legitimacy rests on the ethical behavior of senators and the president in upholding our valued democratic institutions of honesty and transparency. Right now, the Court's legitimacy is hanging by a mangled thread.

The National Organization for Women with its 300 hundred chapters in all states and the District of Columbia asks the committee to request a complete FBI background investigation of Brett Kavanaugh, to look at all allegations of misconduct that have come forward, to question all witnesses of alleged misconduct, to request and obtain for public scrutiny all documents pertaining to Brett Kavanaugh's work, and to further question the nominee based on that additional information.

Failing those actions, the committee must disband efforts to confirm Brett Kavanaugh.

Regards,



Toni Van Pelt, President